



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

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16th Makaram 1199

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10th Magha 1945

നമ്പർ
No. 378

GOVERNMENT OF KERALA

Taxes (G) Department

NOTIFICATION

G. O. (P) No. 2/2024/Taxes.

*Dated, Thiruvananthapuram, 24th January, 2024
10th Makaram, 1199.*

S. R. O. No. 99/2024

In exercise of the powers conferred by Sections 24 and 29 of the Abkari Act, 1 of 1077, the Government of Kerala hereby make the following rules further to amend the Foreign Liquor Rules issued under notification No. S.R.4-1859/52/RD. dated 17th January, 1953 and published in the Travancore-Cochin Gazette Extraordinary No. 2 dated 17th January, 1953, namely:—



RULES

1. *Short title and commencement.*—(1) These rules may be called the Foreign Liquor (Amendment) Rules, 2024.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Foreign Liquor Rules, 1953,—

(1) in rule 13, after sub-rule (13C), the following sub-rule shall be inserted, namely:—

“(13D) *Foreign Liquor (13D) Horti Wine Retail sale outlet license.*—License in this Form shall be issued by the Joint Commissioner of Excise under orders of the Excise Commissioner to the establishments like hypermarkets, supermarkets, shopping malls and bakeries having area of 100 square metre and above, for the sale of horti wine only in bottles, with no permission what so ever for consumption in the premise, on realization of an annual rental of ₹ 10,000 (Rupees Ten Thousand only) on such terms and conditions as may be imposed by the Government from time to time. These licensees shall procure Horti wine only from the F.L 9 licensees in the State.”

3. After FORM F. L. 13 (C) the following FORM shall be inserted, namely:—

“FORM F.L. 13D

[See Rule 13(13D)]

LICENCE FOR THE PRIVILEGE OF POSSESSION AND VENDING OF HORTI WINE IN BOTTLES THROUGH RETAIL SALE OUTLETS

Joint Commissioner of Excise,Zone, under the provisions of the Abkari Act, 1077 hereby licence.....to possess and vend horti wine in bottles through retail sale outlets without permission for consumption in the premises ofduring the period fromto the last day of March..... subject to the conditions and stipulations to be observed by the said licensee.

CONDITIONS

1. The privilege under this licence extends to possess and vend horti wine in bottles on payment of annual rental of ₹ 10,000 (Rupees Ten Thousand only) in a room/counter separated or space specially earmarked for the purpose and specified in this license.



2. The privilege under this license shall be granted to the holder of trading license is obtained from the concerned Local Self Government Department in which the shops is to categorized as hypermarket/supermarket/shopping mall/bakery of specific size.
3. The sale of horti wine in quantity less than one bottle at a time to a person is prohibited. The horti wine sold under this license shall not be permitted to be consumed within the licensed premises.
4. The licensee is prohibited from selling horti wine other than the one supplied by the Kerala State Beverages (Manufacturing and Marketing) Corporation Ltd. The licensee is also prohibited from rectifying, purifying, colouring, flavouring or mixing any materials therewith.
5. All horti wine kept for sale must bear a printed label showing clearly the country of manufacture, the name of the bottler as entered in his licence and place of bottling and stickers pasted by the Kerala State Beverages (Manufacturing and Marketing) Corporation Ltd. All horti wine bottles shall be affixed with labels approved by the Excise Commissioner as provided in Foreign Liquor (Approval of Label) Rules, 2018.
6. Possession and sale of foreign liquor or any other kind of liquor other than horti wine are prohibited.
7. The licensee shall maintain day to day true accounts of transactions of horti wine in such manner, either in ink in such registers or electronically as prescribed by the Commissioner of Excise from time to time and shall furnish such information and statistics as may be called for by any officer of the Excise Department not below the rank of an Excise Inspector. Horti wine shall not be transferred from one shop to another without the written consent of the Deputy Commissioner of Excise concerned.
8. A Sign Board of the dimensions 1 metre x 3/4 metre shall be fixed in front of the room counter separated or space specially earmarked for this purpose. The Board should have a white background with the number, name of the licence, and name of the licensee written in black letters. The Board should contain the warning in English and Malayalam, “ALCOHOL CONSUMPTION IS INJURIOUS TO HEALTH”—“മദ്യപാനം ആരോഗ്യത്തിന് ഹാനികരം” and “DRUNKEN DRIVING IS PUNISHABLE”—“മദ്യപിച്ചു വാഹനം ഓടിക്കുന്നത് ശിക്ഷാർഹമാണ്” Written both in English and in Malayalam in red letters, each letter having a dimension of not less than 5 centimeters. The license must be placed in a conspicuous place within.



9. An Excise Officer not below the rank of an Excise Inspector shall have the authority to inspect the premises and accounts and verify the permits and vouchers for the purchase and transport of horti wine and shall also have the authority to take possession of any quantity of horti wine found unfit for human consumption or suspected to have been tampered with. Officers of the Excise Department, not below the rank of a Deputy Commissioner of Excise, are empowered to confiscate and destroy any quantity of horti wine found in the shop to be unfit for human consumption or which has been tampered with.
10. The room counter separated or space specially earmarked for this purpose specified in the license shall remain closed and no horti wine shall be sold on the following days:
 - (i) Birth day of Mahatma Gandhi;
 - (ii) Birth day of Sree Narayana Guru;
 - (iii) Commemoration day of Mahatma Gandhi;
 - (iv) Samadhi day of Sree Narayana Guru;
 - (v) During the Period of forty-eight hours ending with the hour fixed for the conclusion of the poll in connection with general or bye election within the polling area and on the whole day of counting of votes within the polling area;
 - (vi) During the period of forty-eight hours ending with the hour fixed for the conclusion of the poll in connection with the election or bye election to the Corporation, Municipal Divisions, Wards or Panchayat constituencies within the polling area and on the whole day of counting of votes within the polling area;
 - (vii) The first day of all English calendar months;
 - (viii) Good Friday;
 - (ix) International Day against Drug Abuse and Illicit Trafficking.
11. The licensee shall furnish such returns and information as may be required by the Commissioner of Excise and the Excise Officers from time to time. The licensee shall maintain in his shop an inspection note book with the pages numbered consecutively for the inspecting officers to record their remarks. The licensee shall not sell, transfer, lease or sub-rent the whole or any portion of the privilege granted to him under the licence.
12. Every licensee shall be bound to report to the Commissioner of Excise or the Deputy Commissioner of Excise concerned, all instances which come to the knowledge of any person



employed by him in the carriage or sale of horti wine, committing breaches of the Abkari Act, 1 of 1077 or rules made thereunder and to comply with any order of the Commissioner of Excise or of the Deputy Commissioner of Excise concerned to discontinue the employment of such person.

13. The licensee shall on requisition by the Commissioner of Excise or any officer duly authorized by him deliver up the licence for amendment.
14. No remission, abatement or refund of the rental shall be claimed by the licensee on any account whatsoever. Interest on all sums due shall be payable at the rate of 18 per cent per annum.
15. Infraction of any of the rules or the conditions of the licence either by the licensee or by any person in his employment shall entail on the licensee or his agent or both, a fine of ₹ 50,000 (Rupees Fifty Thousand only) or cancellation of the licence or both. An Officer of and above the rank of Deputy Commissioners of Excise shall be competent to impose all or any of the above penalties except the cancellation of the licence which can be done only by the Excise Commissioner.
16. The licensee shall be bound by all the relevant rules which have been made under the Abkari Act, 1 of 1077 as subsequently amended and continue in force and which may hereafter be passed under the said Act or under any law relating to abkari revenue, which may hereafter be passed.
17. It shall be competent to the Commissioner of Excise to set aside, modify or otherwise revise an order passed by any Excise Officer subordinate to the Commissioner of Excise. The Commissioner of Excise shall also exercise the powers delegated to his subordinate, if found necessary.
18. When the period of licence expires or when the licence is cancelled, revoked or notice of such cancellation or revocation is given to the licensee, the licensee shall within 30 days from the date of expiry of the period of licence or from the date of receipt of cancellation or revocation notice, as the case may be, sell or transfer the full stock of horti wine to any other horti wine retail sale outlet licensees. Should the licensee fail to do so within the prescribed time limit, the Excise Inspector of the range within which the licensee's shop is situated, will take such horti wine in custody and keep the same in the office. The licensee shall be allowed a further period of 30 days for selling or transferring the same to another horti wine retail sale outlet licensee in one transaction after obtaining proper permits from the Excise Inspectors concerned. If before the expiry of this further period the licensee again fails to sell or transfer it, the office in charge of the division shall otherwise dispose of the horti wine as per rules.



SCHEDULE SHOWING BOUNDARIES OF THE HORTI WINE RETAIL SALE OUTLET

| Taluk, Village, Muri, Survey No., Door No. etc. | Bounded on the | | | |
|---|----------------|---------|----------|---------|
| | North by | East by | South by | West by |
| | | | | |

**SCHEDULE SHOWING THE BOUNDARIES OF ROOM/COUNTER/SPACE
SPECIALLY EARMARKED**

| Bounded on the North by | Bounded on the East by | Bounded on the South by | Bounded on the West by |
|----------------------------|---------------------------|----------------------------|---------------------------|
| | | | |

SCHEDULE SHOWING BOUNDARIES OF THE HORTI WINE STORE ROOM

| Bounded on the North by | Bounded on the East by | Bounded on the South by | Bounded on the West by |
|----------------------------|---------------------------|----------------------------|---------------------------|
| | | | |

Dated this theday of.....20.....

Joint Excise Commissioner”

By order of the Governor,

DR. A. JAYATHILAK, IAS,
Additional Chief Secretary to Government.



Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Government have announced its Abkari policy for the year 2023-2024, as per G.O. (Ms.) No. 79/2023/TAXES Dated 27th July, 2023. Government have *inter alia* decided to find out possible markets for the sale of low alcoholic horti wine manufactured from tropical fruits and agricultural products of Kerala, other than the outlets of Kerala State Beverages Corporation. In order to implement the said decision, the Foreign Liquor Rules, 1953 need to be amended suitably.

The notification is intended to achieve the above object.

